

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 HARLAN ISKE,

4 Plaintiff,

5 v.

6 LOVELOCK CORRECTIONAL CENTER
7 DENTAL, *et al.*,

8 Defendants.

Case No. 3:20-cv-00061-RFB-WGC

ORDER

9 **I. DISCUSSION**

10 On January 27, 2020, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983
12 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On January 31,
13 2020, this Court issued an order denying Plaintiff's application to proceed *in forma*
14 *pauperis* without prejudice to file a new application because Plaintiff's application had
15 been incomplete. (ECF No. 3). On February 4, 2020, Plaintiff filed a new application to
16 proceed *in forma pauperis*. (ECF No. 4). Plaintiff's application at ECF No. 4 remains
17 incomplete.

18 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must submit
19 a fully complete application to proceed *in forma pauperis* on this Court's approved form
20 and attach an inmate account statement for the past six months and a properly executed
21 financial certificate. Plaintiff has not submitted all necessary pages of his application to
22 proceed *in forma pauperis*. Specifically, Plaintiff has not submitted pages two and three
23 of this Court's application form. (See ECF No. 4). As such, Plaintiff's *in forma pauperis*
24 application (ECF No. 4) is denied without prejudice. The Court will retain Plaintiff's civil
25 rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the
26 filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies
27 of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee
28 for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*,

1 he must file a fully complete application to proceed in forma pauperis. If Plaintiff files
2 another incomplete application to proceed *in forma pauperis*, the Court will dismiss the
3 case in its entirety, without prejudice, to file a new case when Plaintiff is able to file a fully
4 complete application to proceed *in forma pauperis*.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
7 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new and fully
8 complete application.

9 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
10 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
13 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
14 the correct form with complete financial attachments in compliance with 28 U.S.C. §
15 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
16 fee and the \$50 administrative fee).

17 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
18 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to
19 file a new case when he is able to file a fully complete application to proceed *in forma*
20 *pauperis*.

21 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
22 dismissal of this action may result.

23 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
24 (ECF No. 1-1), but will not file it at this time.

25 DATED: February 5, 2020

26 *Warren G. Cobb*

27 UNITED STATES MAGISTRATE JUDGE